

Message Text

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ACTION OES-09

INFO OCT-01 AF-10 ARA-10 EUR-12 EA-10 ISO-00 OIC-02
DLOS-09 EB-08 CIAE-00 INR-10 NSAE-00 COME-00
DODE-00 TRSE-00 EPA-01 CEQ-01 NSF-01 NSC-05 OMB-01
PA-01 SP-02 PM-05 SS-15 DOTE-00 DOE-15 L-03
ACDA-12 SOE-02 ICA-11 INT-05 IO-13 /174 W
-----083461 120300Z /70

R 110616Z JUL 78
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 6061
INFO AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY PRETORIA
AMCONSUL CAPE TOWN
AMEMBASSY SANTIAGO
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON

C O N F I D E N T I A L WARSAW 5784

EO 11652: GDS
TAGS: XV TGEN EFIS PL
SUBJ: ANTARCTIC MARINE LIVING RESOURCES NEGOTIATIONS:
POLISH RESPONSE TO US AIDE MEMOIRE ON INTERIM MEASURES

REF: (A) STATE 142980, (B) WARSAW 5438 (NOTAL)

1. JAN WITEK, DIRECTOR OF THE LEGAL AND TREATIES
DEPARTMENT OF THE MFA, CALLED IN THE POLITICAL COUNSELOR
JULY 7 AND DELIVERED AN ORAL RESPONSE TO THE US
AIDE MEMOIRE ON INTERIM MEASURES WHICH HAD BEEN
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CONVEYED TO THE GOP PER REF (A). ACCORDING TO WITEK,
THE GOP CONSIDERS THE PROBLEM OF INTERIM MEASURES
IMPORTANT, BUT BELIEVES THAT AT THIS STAGE OF
NEGOTIATIONS ON THE MARINE LIVING RESOURCES CONVENTION
THE PROBLEM SHOULD NEITHER BE OVERESTIMATED NOR
UNDULY EMPHASIZED. WHAT IS MORE IMPORTANT, IN THE
POLISH VIEW, IS THAT THE NEGOTIATION AND DRAFTING

OF THE CONVENTION ITSELF HAVE NOT YET BEE ACCOMPLISHED.

2. SPECIFICALLY, WITEK CONTINUED, DRAFTING OF THREE ARTICLES "OF THE MOST FUNDAMENTAL IMPORTANCE", I.E., ARTICLES 4 AND 21 AND THE ARTICLE ON VOTING, REMAINS UNFINISHED. IF THE CONSULTATIVE PARTIES CAN AGREE ON THESE THREE ARTICLES, HE MAINTAINED, EVERYTHING ELSE CONNECTED WITH THE NEGOTIATIONS WILL GO MORE SMOOTHLY. THEREFORE, WHILE NOT DOWNGRADING US INTENTIONS IN PROPOSING THAT INTERIM MEASURES BE CONSIDERED AT BUENOS AIRES, THE GOP BELIEVES THAT ALL EFFORTS THERE SHOULD BE CONCENTRATED ON COMPLETING THE CONVENTION -- EVEN THOUGH THERE ARE "SERIOUS DOUBTS" WHETHER THIS CAN BE DONE.

3. THE PRINCIAPL DIFFICULTY, WITEK WENT ON, ARISES FROM PROPOSALS OF CLAIMANT STATES INCLUDED IN THE PRESIDENTAL DRAFT, ESPECIALLY IN ARTICLES 4 AND 21 AS INCORPORATED IN THE EXPRESSION "COASTAL STATE JURISDICTION". THESE PROPOSALS, HE MAINTAINED, ARE IN FACT AIMED AT CHANGING BASIC PRINCIPLES OF THE ANTARCTIC TREATY. THE GOP, WITEK SAID, WILL NOT BE ABLE TO ACCEPT ANY LANGUAGE THAT WOULD UNDERMINE THE TREATY OR "EXPRESS THE ESTABLISHMENT OF NEW CLAIMS." HE ASSERTED THAT SOME CLAIMANT STATES WERE TRYING TO CREATE FAITS ACCOMPLIS IN THIS CONNECTION; FOR
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EXAMPLE, HE SAID, NEW ZEALAND HAS ALREADY BREACHED ITS OBLIGATIONS UNDER THE TREATY BY DECLARING, UNDER ITS 1977 ECONOMIC ZONE LAW, TERRITORIAL WATERS AROUND CERTAIN PARTS OF THE CONTINENT OF ANTARCTICA. SUCH ACTION, WITEK CONCLUDED, CONSTITUTE A "DANGEROUS TENDENCY FOR THE TREATY AND FOR COOPERATION AMONG THE PARTIES".

4. RETURNING TO THE QUESTION OVF INTERIM MEASURES, WITEK SAID THAT ON THIS MATTER "AS ALWAYS" THE POLISH DELEGATION WOULD TRY TO COOPERATE WITH THE US DELEGATION. AT THIS STAGE, IT WAS HARD TO SAY WHICH OF THE PROPOSED INTERIM MEASURES SHOULD BE ADOPTED. THE GOP DID NOT EXCLUDE THE POSSIBILITY OF ADOPTION WITH RESPECT TO ANY OF THE MEASURES, BUT ITS FINAL POSITION WOULD DEPEND ON THE RESULTS OF THE BUENOS AIRES NEGOTIATIONS, WHERE IT HOPED THE US DELEGATION WOULD JOIN IN A MAXIMUM EFFORT TOWARD SOLVING DRAFTING PROBLEMS ON THE ARTICLES IN THE CONVENTION NOT YET AGREED.

5. WITEK CONCLUDED BY SAYGIN HE HIMSELF PROBABLY WOULD NOT BE GOING TO BUENOS AIRES. HE REPEATED

HIS HOPE FOR COOPERATION BETWEEN THE US AND POLISH
DELEGATIONS THERE AND EXPRESSED HIS PERSONAL APPRECIATION
FOR THE COOPERATION EXTENDED BY THE ENTIRE US DELEGATION
AT CANBERRA.

6. THE POLITICAL COUNSELOR MADE NO COMMENT ON
WITEK'S PRESENTATION, WHICH HE SAID WOULD BE REPORTED
EXPEDITIOUSLY TO WASHINGTON.
SCHAUFLE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, AIDE MEMOIRE
Control Number: n/a
Copy: SINGLE
Draft Date: 11 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978WARSAW05784
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780284-0781
Format: TEL
From: WARSAW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780772/aaaacilx.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3d7a4977-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 142980, 78 WARSAW 5438
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2044901
Secure: OPEN
Status: NATIVE
Subject: ANTARCTIC MARINE LIVING RESOURCES NEGOTIATIONS: POLISH RESPONSE TO US AIDE MEMOIRE ON INTERIM MEASURES
TAGS: TGEN, EFIS, XV, PL
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/3d7a4977-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014